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PATENT #111

Attorney Docket No. A-68285/RMS/DHR pg 1/11-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ying LUO, et al.

Serial No.: 09/762,491

Filed: February 6, 2001

For: *Novel Apoptosis Proteins*

Examiner: Not Assigned

Group Art Unit: 1653

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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, BOX MISSING PARTS, Washington, DC 20231 on September 24, 2001.

Signed: Jere Valles

Jere Valles

**SECOND RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371 IN THE
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Assistant Commissioner for Patents
BOX MISSING PARTS
Washington, DC 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed July 23, 2001, we are enclosing the following documents:

- (1) A copy of the Notification;
- (2) Substitute Declaration for Patent Application
(three separate documents) identifying the

Serial No.: 09/762,491
Filed: February 6, 2001
Art Unit: 1653

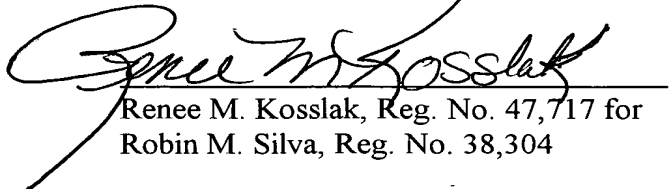
- application by the International Application
Number and International Filing Date;
- (3) Power of Attorney by Assignee (Not
Accompanying Application);
 - (4) Petition for Extension of Time to extend the
period for response one month to and including
September 24, 2001 (September 23, 2001 was
a Sunday), and our check in the amount of
\$55.00 to cover the extension fee; and
 - (5) Return Postcard.

Applicant claims small entity status under 37 CFR 1.27.

Although Applicant believes that no other fees are required, the Assistant
Commissioner is hereby authorized to charge any such fees, including extension fees, or credit
any overpayment to Deposit Account No. 03-1600 (Our File A-68285/RMS/DHR).

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP



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09/762491
U.S. APPLICATION NO. 09/762491
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ATTY. DOCKET NO. A-68285/RMS/

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5071

INTERNATIONAL APPLICATION NO.

PCT/US99/17776

I.A. FILING DATE PRIORITY DATE

08/06/99

08/06/98

DATE MAILED:

07/23/01

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____

☐ Information Disclosure Statement(s) filed _____ and _____

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____

☒ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

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